#### **ORDINANCE NO. 5364**

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2018 Comprehensive Plan docket to amend the Zoning Code and Zoning Maps set forth in Title 20 of the Bremerton Municipal Code to be consistent with Comprehensive Plan amendments;

WHEREAS, the City of Bremerton adopted a Comprehensive Plan on May 18, 2016, by Ordinance No. 5299, hereinafter referred to as the "Comprehensive Plan;" and

WHEREAS, the Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements and applicable regional plans; and

WHEREAS, the City of Bremerton adopted a Zoning Code on May 18, 2016, by Ordinance No. 5301 hereinafter referred to as the "Zoning Code;" and

WHEREAS, the City adopted an area-wide land use classification and zoning for the Comprehensive Plan: Land Use Map (Ord. No. 5299) and Zoning Map (Ord. No. 5301) on May 18, 2016; and

WHEREAS, the zoning code and maps must be consistent with the Comprehensive Plan; and

WHEREAS, the City of Bremerton has established a procedure and criteria for approval for amending text and map amendments in the Zoning Code in Title 20.18 of the BMC. This procedure supports Comprehensive Plan and Zoning Code amendments to be processed concurrently; and

WHEREAS, the City Council and Mayor have identified that providing affordable housing within the City of Bremerton is a 2018 goal; and

WHEREAS, the Planning Commission conducted three workshops on the 2018 Comprehensive Plan amendments and associated Zoning Code changes proposal on May 21, 2018; July 16, 2018; and September 17, 2018; and

WHEREAS, the City provided notification to all property owners within three hundred (300) feet of the parcels subject to a land use map change, early in the process, to gather public feedback and invite them to participate in the process; and

WHEREAS, on September 21, 2018, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on October 5, 2018, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by

the Planning Commission; and

WHEREAS, on October 15, 2018, the Planning Commission conducted a public hearing on the 2018 Comprehensive Plan Amendment Docket, and the Planning Commission recommended the City Council approve the amendments; and

WHEREAS, on November 26, 2018, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, on November 19, 2018, the Washington State Department of Commerce received notification of the Comprehensive Plan Amendment docket for 2018 regarding Zoning Code text and Zoning Map changes; and

WHEREAS, on December 5, 2018 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAs, on the December 5, 2018 the City Council adopted Ordinance No. 5363 which amended the City's Comprehensive Plan and Amendments #1(a), #1(b), and #1(c), #5 and #7 require a Zoning Code text or map change; and

WHEREAS, the proposal meets requirements of the GMA; and

WHEREAS, the proposal is consistent with Kitsap County Countywide Planning Policies ("KCCPP"); NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Findings and Recitals Incorporated. The findings and recitals set forth above are hereby incorporated by reference.

**SECTION 2.** Amend Chapter 20.78 of the Bremerton Municipal Code entitled "Medium Density Residential" by amending Subsection 20.78.060(a)(4) as follows:

### 20.78.060 DEVELOPMENT STANDARDS.

- (a) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:
  - (1) Setbacks.
    - (i) Minimum front yard setback is fifteen (15) feet;
    - (ii) Minimum side yard setback is five (5) feet;
    - (iii) Minimum rear yard setback is fifteen (15) feet.
  - (2) Maximum structure height is thirty-five (35) feet.
- (3) Maximum structure height in R-10 areas within the downtown regional center shall be pursuant to Figure 20.74(a) and shall supersede subsection (a)(2) of this section.

- (4) Minimum lot width is thirty (30) twenty-five (25) feet.
- (5) Maximum development coverage is sixty (60) percent.
- (b) Zero (0) Lot Line (ZLL) Development. An attached single-family dwelling and/or garage structure may have a single shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.
- (c) Accessory Structures. The following standards shall apply but are not limited to: garages, carports, shops, barns, covered patios, cabanas, gazebos, and incidental household storage buildings, excluding accessory dwelling units per BMC 20.46.010 and structures not requiring a building permit:
- (1) The maximum area for all accessory structures shall be eighty (80) percent of the principal residential use not to exceed one thousand two hundred (1,200) square feet.
  - (2) Setbacks of detached accessory structures are pursuant to BMC 20.44.060.
  - (d) Garages, Storage Buildings and Shops.
- (1) Any garage, storage building or shop structure shall be designed so that the appearance of the building remains that of a single-family residence including the following:
  - (i) Constructed of similar materials as the principal unit;
  - (ii) A roof of equal or greater pitch as the principal unit;
- (iii) A height no more than twenty-five (25) percent greater than the principal unit not to exceed thirty-five (35) feet.
- (2) Any garage, storage building, or shop may be exempt from the accessory structure size requirements provided it is contained within the principal unit.
- (3) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020(Traditional front yard).
- (e) Lot Area for Parks and Schools. Parks and schools may exceed maximum lot area requirements if approved by a conditional use permit.

**SECTION 3.** Amend Chapter 20.78 of the Bremerton Municipal Code entitled "Medium Density Residential" by amending Subsections 20.78.065(b) and (d) as follows:

### 20.78.065 ALLOWABLE DENSITY AND LOT AREA.

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is five (5) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is ten (10) eighteen (18) dwellings per acre.
- (c) Maximum Lot Area. The maximum lot area is eight thousand seven hundred twelve (8,712) square feet, with the following exceptions:
- (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
- (2) One (1) lot within a proposal for a division of land may exceed eight thousand seven hundred twelve (8,712) square feet, provided the remaining lots do not exceed the eight thousand seven hundred twelve (8,712) square foot maximum lot size; and

- (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed eight thousand seven hundred twelve (8,712) square feet, provided the total area of the flag lot does not exceed thirteen thousand sixty-eight (13,068) square feet.
- (d) Minimum Lot Area. The minimum allowed lot area is four thousand three hundred (4,300) two thousand five hundred (2,500) square feet.
  - (e) Exception to Minimum Lot Areas.
- (1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

**SECTION 4.** Amend Chapter 20.40 of the Bremerton Municipal Code entitled "Administration", by amending Figure 20.40(a) "Comprehensive Plan/Zoning Consistency" as follows:

# FIGURE 20.40(a)

The following figure lists the Bremerton Comprehensive Plan Land Use Map designations with corresponding BMC Title 20, Land Use, implementing zoning districts:

Figure 20.40(a) COMPREHENSIVE PLAN/ZONING CONSISTENCY

COMPREHENSIVE PLAN DESIGNATION	IMPLEMENTING ZONING DISTRICTS
Low Density Residential (LDR)	Low Density Residential (R-10)
Medium Density Residential (MDR)	Low Density Residential (R-10)  Medium Density Residential (R-10MR-18)
Multifamily Residential (MR)	Low Density Residential (R-10)  Medium Density Residential (R-10MR-18)  Multifamily Residential (R-20)
District Centers (DC)	District Center Core (DCC)
Employment Center (EC)	Employment Center (EC)
Downtown Regional Center (DRC)	Business Core (BC) Downtown Core (DC) Downtown Waterfront (DW) Neighborhood Business (NB)
Manufacturing and Industrial Center (MIC)	Puget Sound Industrial Center-Bremerton (PSIC-B) Industrial (I)

COMPREHENSIVE PLAN DESIGNATION	IMPLEMENTING ZONING DISTRICTS
General Commercial (GC)	General Commercial (GC)
Freeway Corridor (FC)	Freeway Corridor (FC)
Neighborhood Business (NB)	Neighborhood Business (NB)
Industrial (I)	Industrial (I) City Utility Lands (CUL)
Higher Education (HE)	Institutional (INST)
City Utility Lands (CUL)	City Utility Lands (CUL) Watershed (WS)
Watershed Lands (WS)	Watershed (WS)
Naval Base-Kitsap	Naval Base Kitsap-Bremerton

**SECTION 5.** Amend Chapter 20.50 of the Bremerton Municipal Code entitled "Landscaping", by amending Subsection 20.50.040(c) as follows:

# 20.50.040 GENERAL PROVISIONS.

- (a) Front Yards. All front yard setback areas shall be landscaped pursuant to the performance standards per BMC 20.50.050;
- (b) Street Trees. Street trees shall be planted along public and private streets per performance standards in BMC 20.50.050(a) unless otherwise required by BMC 20.50.050(c). Trees shall be located within the front yard setback area, or within a public right-of-way if approved by the City and the property owner arranges the planting and maintenance of said street trees;
- (c) Visual Screening. When any nonresidential development, as defined by the International Building Code (which includes three (3) or more units), is proposed on a site that is adjoining the low or medium density residential zones (R-10 and R-10M), visual screening shall be provided according to the performance standards in BMC 20.50.050(b);
- (d) Areas Adjacent to Trails and Open Spaces. All developments adjacent to publicly used or designated trails and open spaces in the Comprehensive Plan shall provide Type I visual screening along the site facing the trail or open space per the performance standards outlined in BMC 20.50.050(b);
- (e) Undeveloped Areas. Undeveloped portions of property not devoted to landscaping shall remain with existing vegetation, including significant trees, as provided for in BMC 20.50.050(d), but excluding plants that can be classified as noxious weeds or as invasive species;

- (f) Alternative Landscaping Plan. The requirements of this chapter may be modified to encourage better landscaping design as follows:
- (1) A request for approval of alternate landscaping shall be submitted and accompanied by a landscape plan as required above;
- (2) An alternative landscaping plan may be approved, provided a finding by the City of public benefit and that the total area of landscaping shall be equal to or exceed that created by adherence to the standard landscaping and buffer requirements;
- (g) Guarantee. All landscaping shall be completed prior to the issuance of a certificate of occupancy (CO), except that in lieu of installing required landscaping, a performance assurance device may be provided prior to the issuance of a CO. The purpose of such a requirement is to ensure that a landscape plan is carried out when required by this chapter. The following conditions apply:
- (1) A bond or other acceptable assurance device shall be in the amount of one hundred twenty-five (125) percent of the estimated cost required to complete the approved landscaping, in order to guarantee its installation and the replacement of any plants that die within two (2) years of the posting of the bond;
- (2) If a performance assurance device is provided, landscaping shall be installed within the next planting season and no later than one (1) year from the date of issuance of a CO. If the approved landscape plan is not carried out, the City shall use the performance assurance device to complete the landscaping;
- (3) A performance assurance device will be released two (2) years after it is posted if the landscaping vegetation is in a healthy growing condition;
- (h) Maintenance Required. All plant material shall be maintained in a healthy growing condition free of weeds, trash or debris through the life and use of the development. Dead, damaged, diseased, or missing plant material shall be replanted or replaced as necessary to comply with the approved landscaping plan and the requirements of the chapter. Maintenance standards and assurances must be provided in the landscape plan as described in BMC 20.50.060.

**SECTION 6.** Amend Chapter 20.50 of the Bremerton Municipal Code entitled "Landscaping", by amending Subsections 20.50.050(b)(1) and (b)(2) as follows:

### 20.50.050 PERFORMANCE STANDARDS.

Required landscaping shall be provided in the following manner:

- (a) General landscaping is intended to provide visual separation between compatible uses and to soften the appearance of parking lots and building facades. All required setback areas, parking lots, and interior landscaping areas shall comply with the following:
- (1) Street trees are required, one (1) tree for every twenty-five (25) linear feet of street frontage, and shall be spaced a maximum distance of thirty-five (35) feet on center; however, trees may be spaced irregularly in natural groupings rather than uniformly spaced except as noted elsewhere in this chapter;
- (2) Planting shall include a mix of trees, shrubs, ground covers, turf grasses or combination thereof; non-living materials shall not exceed twenty (20) percent of the landscaped area within two (2) years of planting;

- (3) Each separate landscaped area shall be a minimum of fifty (50) square feet and shall include at least one (1) tree in combination with shrubs, ground cover, or other landscape materials;
- (4) Bioswales and permeable pedestrian access ways connecting landscaped areas are encouraged and are included in the calculation of required landscaping square footage. Low impact development best management practices performed on site may count towards required landscaping (tree for tree, and square footage for square footage);
- (5) Interior landscaping shall be dispersed as equally as possible throughout the site particularly in parking areas;
- (6) Parking lots shall have at least ten (10) square feet of interior landscaping for each parking space. Required peripheral trees and required landscaped setback areas shall not be included in the interior landscaping calculations;
- (7) For every ten (10) parking stalls one (1) tree shall be installed within a landscaped area; and
- (8) Landscaped areas shall consist of no more than fifty (50) percent deciduous species.
- (b) Visual screening is intended to function as a year-round full visual barrier between incompatible uses. Visual screening is required for all commercial projects adjacent to the low or medium density residential zones. Visual screening is required as follows:
- (1) Type I. Required along the property line(s) of all nonresidential development proposed on a site that is adjoining the low or medium density residential zones (R-10 and R-10M). For purposes of this subsection, nonresidential development is as defined in the International Building Code (which includes three (3) or more dwelling units) and not specifically identified in subsection (b)(2) of this section. A Type I visual screen shall include the following:
  - (i) A landscaped area of at least ten (10) feet wide;
- (ii) A mix of evergreen and deciduous trees, no more than twenty (20) feet apart on center. Deciduous trees up to twenty-five (25) percent of the tree requirement are encouraged to add seasonal and textural variation;
- (iii) Shrubs shall be planted between the trees to provide an effective visual barrier. Shrubs may be spaced irregularly in natural groupings rather than uniformly spaced; however, grouped shrubs should be no more than five (5) feet apart from each other; and
- (iv) A sight-obscuring fence, wall, earthen berm or combination thereof is required adjacent to parking areas to ensure headlights do not project into residential properties. Measures shall be taken to ensure quality in the visual character of the wall or fence on the side facing the residential lot.
- (2) Type II. Required for all large retail, motion picture theaters, junk yards, heavy industrial/manufacturing, stadiums, and sports complexes proposed on a site that is adjoining the low or medium density residential zones—(R-10 and R-10M). Type II screening shall be provided along all property lines that adjoin the low or medium density residential zones (R-10 and R-10M). A Type II visual screen shall include the following:
  - (i) Landscaped area of at least twenty (20) feet in width;
- (ii) A double row of evergreen trees spaced no more than fifteen (15) feet apart on center (rows shall be offset and spacing triangulated); existing mature healthy trees on site are encouraged to be retained;

- (iii) Shrubs shall be planted to enhance the visual barrier. Shrubs may be spaced irregularly in natural groupings rather than uniformly spaced; however, grouped shrubs should be no more than five (5) feet apart from each other; and
- (iv) A sight-obscuring fence, wall, earthen berm or combination thereof is required adjacent to parking areas to ensure headlights do not project into residential properties. Measures shall be taken to ensure quality in the visual character of the wall or fence on the side facing the residential lot.
- (c) Centers. Intended to soften the streetscape and sidewalk areas in a dense urban environment. Projects within the centers must comply with the provisions set forth in adopted subarea plans, the provisions of this chapter, and the following:
- (1) Street trees shall be provided within the front yard setback or in the sidewalk along any facade facing a major arterial. Any trees located in the City right-of-way may require additional approval through the Department of Public Works and Utilities. Trees shall be spaced no less than three (3) trees per one hundred (100) linear feet of frontage. Trees placed in the sidewalk should be provided with street grates at the sidewalk level providing a continuous walking surface to within six (6) inches of the tree base. Where existing areaways or vaults prevent this form of planting, trees shall be planted in planters equipped with irrigation. All trees shall be of a species which allows pruning of lower branches in a manner necessary to keep the sidewalk clear of obstruction to a height of at least eight (8) feet. Trees shall have a minimum caliper of two and one-half (2-1/2) inches at the time of planting;
- (2) Surface parking lots, if they abut public sidewalks, shall provide a perimeter landscaping strip containing a combination of trees (with no fewer than three (3) trees per one hundred (100) linear feet of frontage) and shrubs. Masonry walls no lower than fifteen (15) inches nor higher than thirty (30) inches may be substituted for shrubs; and
- (3) For parking lots containing more than twenty (20) stalls, at least fifteen (15) percent of the interior area shall be planted with trees and shrubs. All trees shall have a minimum caliper of two and one-half (2-1/2) inches at the time of planting. Pedestrian walkways from adjacent sidewalks shall be provided.
- (d) Vegetation Preservation. The retention of existing and healthy trees and vegetation is important to help promote the utilization of natural systems, reduce the impacts of development on the storm drainage system and provide a better transition between various land uses within the City. The following provisions encourage vegetation preservation as follows:
- (1) To the greatest extent possible existing healthy significant trees defined below shall be retained on site. Should a proposal include the removal of all or portions of a significant tree(s) a qualified arborculturalist or urban forester shall be retained by the applicant to inventory the tree(s) and make recommendations regarding the protection, retention, preservation or removal of the tree(s). A copy of the report and recommendations shall be submitted to the City as part of the application process.
- (2) Existing healthy trees and vegetation may substitute for newly required landscaping. Credit shall be granted tree for tree and area for area. In order to promote the retention of existing significant trees during site development, each significant tree within the landscaped area shall count as three (3) newly required trees.
- (3) Credit may be given by the Director at the time of site plan review for the preservation of significant tree(s) in exchange for the loss of a parking space.
  - (4) Significant trees are defined as follows:

- (i) Evergreen Trees. Eight (8) inches in diameter or greater, measured four (4) feet above existing grade; and
- (ii) Deciduous Trees. Twelve (12) inches in diameter or greater, measured four (4) feet above existing grade.
- (e) Planting Materials. Plants shall be selected based upon site-specific conditions which may affect plant growth such as sun exposure, soil types, shoreline conditions, adjacent site improvements, etc. New plant materials shall consist of drought-resistant species, or other species that are irrigated per the provisions of BMC 20.50.060(b)(4) or located in high moisture content soils. Plant material selection shall be consistent with the list maintained by the American Association of Nurserymen (AAN). Plant materials shall also be coordinated with utility company requirements to avoid conflicts. Unless otherwise specified within this chapter all required landscaping shall at a minimum meet the following size requirements:
  - (f) Plant Type and Size. Plants shall be sized according to the following:
- (1) Standard deciduous trees: one and one-half (1-1/2) inch to two (2) inch caliper.
- (2) Small ornamental and flowering trees: one and one-half (1-1/2) inch to one and three-fourths (1-3/4) inch caliper.
  - (3) Evergreen trees: five (5) feet to six (6) feet in height.
  - (4) Shrubs: minimum size one (1) gallon container.
  - (5) Ground cover: minimum four (4) inch container.
- (g) Interruptions. Screening and buffering may be interrupted where necessary for access consistent with the general provisions of this chapter.
- (h) Safety. All fire hydrants are to be free of fences, hedges, and other landscaping obstacles. Shrubs eighteen (18) inches in height and less must not be placed closer than five (5) feet to a hydrant, and shrubs or trees larger than eighteen (18) inches must not be planted closer than twenty (20) feet to a hydrant.
- (i) Freestanding Signs. An area around the base of each freestanding sign equal to the sign area must be landscaped to improve the overall appearance of the sign and to reduce the risk of automobiles hitting the sign or supports of the sign. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers, or decorative framing.
- (j) Outdoor Storage. Unless provided for otherwise in this title, outdoor storage in all zones is limited to the minimum number of refuse containers necessary to support approved onsite uses. Dumpsters, refuse containers for commercial uses, and outdoor storage shall comply with the following criteria:
- (1) Be surrounded by a six (6) foot high solid wall or sight-obscuring fence. The wall or fence shall be considered a structure and shall conform to setbacks which may be required for building on street frontage. Outdoor storage of materials shall not exceed six (6) feet in height when visible from a public right-of-way.
- (2) Outdoor storage and refuse containers requiring screening in the GC, R-20, NB, and land use centers shall be screened with materials which are architecturally similar to the primary structure.
- (3) Outdoor storage and refuse containers should not be located between a street and the front of the building, except in industrial zones.

- (k) Clear-Vision Triangle. A clear-vision area shall be maintained at the intersections of streets, alleys and commercial driveways, or combinations thereof as determined by the City Engineer with the following requirements:
- (1) A clear-vision area shall contain no plantings, fences, walls, other structures, or visual obstructions within a vertical area extending from three (3) feet to eight (8) feet above the ground, measured from the established centerline of the street, alley or driveway;
  - (2) The foregoing provision shall not apply to:
    - (i) A tree trimmed to the trunk within the three (3) to eight (8) foot clear
- (ii) Other plant species that are so planted and trimmed as to leave a clear and unobstructed cross-view in all seasons;
- (iii) A supporting member or appurtenance to a permanent building lawfully existing on the site;
- (3) Where the maximum setback conflicts with the clear-vision triangle, relief from the maximum setback may be granted thorough a Type I Director decision.
- **SECTION 7.** Amend Chapter 20.70 of the Bremerton Municipal Code entitled "District Center Core", by amending Subsections BMC 20.70.060(b) and (c) as follows:

## 20.70.060 DEVELOPMENT STANDARDS.

area;

Lot development shall be in accordance with the following unless allowed for otherwise by law:

- (a) Maximum front yard setback: ten (10) feet. At least sixty-five (65) percent of a building's front facade shall meet the maximum front yard setback. The setback may be increased if the Director finds that such increase is the minimum necessary to facilitate a superior site design. In order to obtain approval for an increased setback, the applicant shall submit a written analysis establishing how the project facilitates superior site design, is the minimum necessary, is consistent with specific goals and policies within the Comprehensive Plan, and is compliant with all applicable sections of the BMC. The following list identifies examples of circumstances where increased setbacks may be found to be appropriate:
  - (1) When the site includes more than one (1) street frontage;
- (2) To accommodate existing topography, utilities, or other physical site constraints that make compliance with the setback infeasible;
  - (3) To accommodate phasing of infill development;
- (4) On sites that are significantly developed with existing legally established nonconforming uses or structures whereby strict code compliance will not facilitate effective circulation; or
- (5) For projects that in the opinion of the Director provide enhanced public amenities within the setback area which include, but are not limited to, the following: public plazas, increased landscaping, architectural features, improved pedestrian connections.
- (b) Side yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).

- (c) Rear yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).
  - (d) There is no maximum density for residential use.
- (e) Maximum building coverage: sixty (60) percent base maximum; provided, that through the use of any combination of the following, building coverage may be increased up to eighty-five (85) percent maximum:
  - (1) Projects containing mixed uses: ten (10) percent bonus.
- (2) Projects with a three (3) or four (4) story building: ten (10) percent bonus; projects with five (5) or more story building: fifteen (15) percent bonus.
- (3) Projects providing a pedestrian-oriented plaza or area of at least one hundred fifty (150) square feet along a pedestrian walkway at an intersection corner, bus stop or other key pedestrian area approved by the City. Such areas shall contain seating for at least four (4) people, a trash receptacle and three (3) or more of the following: a pedestrian shelter, a drinking fountain, a bike rack, pedestrian-scale lights, pavers on the walkway surfaces, a kiosk, a street vendor station providing food or beverages, trees, an appropriately sized statue or sculpture, or a public restroom. Interior courtyards with these amenities qualify if they would be readily apparent and accessible to pedestrians on adjoining sidewalks: twenty (20) percent bonus.
- (4) Projects providing a through-block corridor that facilitates pedestrian access in a location approved by the City: five (5) percent bonus.
- (5) Projects providing at least fifty (50) percent of their required parking underground or within the building: twenty (20) percent bonus.
- (f) Maximum development coverage: maximum development coverage by impervious surfaces, seventy-five (75) percent; provided, that through the use of any combination of the mechanisms listed in subsections (e)(1) through (5) of this section, up to ninety-five (95) percent maximum development coverage may be allowed.
  - (g) Maximum building height: eighty (80) feet except:
- (1) Structures within fifty (50) linear feet of parcels zoned for low density residential shall not exceed four (4) stories in height; and
- (2) Structures within fifty (50) and one hundred (100) linear feet of parcels zoned for low density residential shall include architectural features to gradually transition the building height from four (4) stories to a maximum height of eighty (80) feet at the one hundred (100) foot distance from the low density residential zoned parcel.
- (h) Mixed-Use Requirement. All structures that include residential uses located adjacent to, are oriented towards, or are viewable from a public right-of-way (not required on private streets) shall provide retail/commercial uses along a minimum of fifty (50) percent of the ground floor building facade. Exceptions to this requirement will be made for projects that comply with BMC 20.70.070(a)(6).

**SECTION 8.** Amend Chapter 20.78 of the Bremerton Municipal Code entitled "Medium Density Residential," by amending Section BMC 20.78.010 as follows:

## 20.78.010 INTENT.

The intent of the medium density residential (R-10MR-18) zoning district is to accommodate single-family housing and existing medium density-type development, and

encourage redevelopment opportunities by permitting a wider variety of housing types. Consistency throughout the neighborhoods between low density residential (R-10) and medium density residential shall be implemented.

<u>SECTION 9.</u> Amend Chapter 20.86 of the Bremerton Municipal Code entitled "Freeway Corridor," by amending Subsections 20.86.060(b) and (c) as follows:

### 20.86.060 DEVELOPMENT STANDARDS.

Lot development requirements shall be in accordance with the following standards unless allowed for by law otherwise:

- (a) Minimum front yard setback: twenty (20) feet;
- (b) Minimum side yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (c) Rear yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (d) No maximum building coverage, except all setback and landscaping requirements shall be met;
- (e) No maximum development coverage, except all setback and landscaping standards shall be met;
  - (f) Maximum building height: sixty (60) feet.

<u>SECTION 10.</u> Amend Chapter 20.92.060 the Bremerton Municipal Code entitled "Employment Center", by amending Subsections 20.92.060(b) and (c) as follows:

## 20.92.060 DEVELOPMENT STANDARDS.

Development shall be in accordance with the following standards:

- (a) Minimum density for residential uses: fifteen (15) dwelling units/acre;
- (b) Minimum side yard setback: zero (0), except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (c) Minimum rear yard setback: zero (0), except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (d) Minimum front yard setback requirements: zero (0), except that for residential uses with garages facing a public right-of-way, the garage shall have a setback five (5) feet greater than that of the principal structure;
- (e) Maximum building coverage: sixty-five (65) percent base maximum; provided, that through the use of any combination of the following, building coverage may be increased to a maximum of eighty-five (85) percent:
  - (1) Projects with two or more stories: ten (10) percent bonus;
  - (2) Projects containing mixed uses: ten (10) percent bonus;
- (3) Projects incorporating at least fifty (50) percent of required parking underground or within the structure: twenty (20) percent bonus;

- (f) No maximum development coverage, provided all setbacks and landscaping requirements are met;
- (g) Maximum Building Height. Eighty (80) feet for residential uses and sixty (60) feet for nonresidential uses. For mixed uses, the building height will be based on the use that predominately (fifty (50) percent or greater) occupies the structure.

<u>SECTION 11.</u> Amend Chapter 20.94 of the Bremerton Municipal Code entitled "Employment Center", by amending Subsections 20.94.060(b) and (c) as follows:

## 20.94.060 DEVELOPMENT STANDARDS.

Lot development requirements shall be in accordance with the following standards unless otherwise allowed by law:

- (a) Minimum front yard setback: ten (10) feet, except twenty (20) feet where abutting or across a public right-of-way from a residential zone;
- (b) Minimum side yard setback: zero (0) except when adjacent to the low and medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (c) Minimum rear yard setback: zero (0) except when adjacent to the low and medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b);
- (d) No maximum building coverage, provided all setbacks and landscaping standards are met;
- (e) No maximum development coverage, provided all setbacks and landscaping standards are met;
- (f) Maximum building height: fifty (50) feet for structures intended for human occupancy, and no height limit for unoccupied structures such as cranes, antennas, and mechanical apparatuses employed in industry, provided setback requirements are met;
- (g) Where abutting a residential zone, structures shall be set back one (1) additional foot for each additional foot of height above thirty-five (35) feet.

<u>SECTION 12.</u> Amend Chapter 20.60 of the Bremerton Municipal Code entitled "Low Density Residential" by amending Section 20.60.010 as follows:

#### 20.60.010 INTENT.

The intent of the low density residential (R-10) zoning district is to accommodate single-family housing by infilling at a range of lot sizes consistent with urban growth patterns. Some attached single-family housing, duplexes and townhouses, may be appropriate when responding to sensitive areas or with innovative design. Residential development at higher densities is encouraged at the edge of designated centers.

<u>SECTION 13.</u> Amend Chapter 20.60 of the Bremerton Municipal Code entitled "Low Density Residential" by amending Section 20.60.020 as follows:

### **20.60.020 PERMITTED USES.**

Only one (1) principal use shall be allowed on each residentially zoned lot unless allowed

for otherwise by law. This limitation shall not include permitted accessory uses associated with a permitted principal use.

The following uses are permitted outright:

- (a) Cemetery;
- (b) Co-location of wireless communications per BMC 20.46.140;
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less:
  - (d) Day care facility of twelve (12) or fewer persons receiving care;
  - (e) Education and schools (K-12) of twelve (12) or fewer students;
  - (f) Foster home;
  - (g) Group residential home;
  - (h) Manufactured home per BMC 20.46.040;
- (i) Parks, playgrounds and open space equal or less than one-half (0.5) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
  - (j) Residential Uses.
    - (1) Single-unit dwelling unit, detached;
    - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC 20.60.060(b);
    - (3) Duplex that meets BMC 20.60.060(f);
    - (4) Townhouse that meets BMC 20.60.060(f);
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less:
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:
- (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC 20.82.020;
- (2) Landscaping and signage requirements of the neighborhood business zone, Chapter 20.82 BMC, shall be met; and
- (3) The parcel upon which the incubated business is situated shall have frontage on an arterial street.

**SECTION 14.** Amend Chapter 20.60 the Bremerton Municipal Code entitled "Low Density Residential" by amending Section 20.60.060 as follows:

#### 20.60.060 DEVELOPMENT STANDARDS.

- (a) Lot Standards. Lot development requirements shall be in accordance with this section and the following standards unless allowed for by law otherwise:
  - (1) Setbacks.
    - (i) Minimum front yard setback is fifteen (15) feet;
    - (ii) Minimum side yard setback is five (5) feet;
    - (iii) Minimum rear yard setback is fifteen (15) feet.
  - (2) Maximum structure height is thirty-five (35) feet.
- (3) Maximum structure height in (R-10) areas within the downtown regional center shall be pursuant to Figure 20.74(a) and shall supercedesupersede subsection (a)(2) of this section.
  - (4) Minimum lot width is thirty (30) feet.

- (5) Maximum development coverage is sixty (60) percent.
- (b) Zero (0) Lot Line (ZLL) Development. An attached single-family dwelling and/or garage structure may have a single shared side or rear lot line, and a setback reduced to zero (0), provided the structure complies with building code fire separation requirements.
- (c) Accessory Structures. The following standards shall apply but are not limited to: garages, carports, shops, barns, covered patios, cabanas, gazebos, and incidental household storage buildings, excluding accessory dwelling units per BMC 20.46.010 and structures not requiring a building permit:
- (1) The maximum area for all accessory structures shall be eighty (80) percent of the principal residential use not to exceed one thousand two hundred (1,200) square feet.
  - (2) Setbacks of detached accessory structures are pursuant to BMC 20.44.060.
  - (d) Garages, Storage Buildings and Shops.
- (1) Any garage, storage building or shop structure shall be designed so that the appearance of the building remains that of a single-family residence including the following:
  - (i) Constructed of similar materials as the principal unit;
  - (ii) A roof of equal or greater pitch as the principal unit;
- (iii) A height no more than twenty-five (25) percent greater than the principal unit not to exceed thirty-five (35) feet.
- (2) Any garage, storage building, or shop may be exempt from the accessory structure size requirements provided it is contained within the principal unit.
- (3) Garage, Carport, and Shop Vehicle Entrance Setbacks. When the vehicle entrance faces the street, the garage, carport, or shop shall have a front yard setback of at least twenty (20) feet, except as provided in BMC 20.44.020 (Traditional front yard).
- (e) Lot Area for Parks and Schools. Parks and schools may exceed maximum lot area requirements if approved by a conditional use permit.
  - (f) A duplex or townhouse may only be permitted as follows:
    - (1) The underlying density of the zone is met; and
    - (2) Within 500' of a commercial district or center.

<u>SECTION 15.</u> Amend Chapter 20.62 the Bremerton Municipal Code entitled "General Commercial" by amending Subsection 20.62.060(a) as follows:

## 20.62.060 DEVELOPMENT STANDARDS.

- (a) Lot development shall be in accordance with the following standards, unless allowed for otherwise by law:
- (1) Maximum front yard setback: ten (10) feet. At least sixty-five (65) percent of the building's front facade must meet the maximum front yard setback. The setback may be increased if the Director finds that such increase is the minimum necessary to facilitate a superior site design. In order to obtain approval for an increased setback, the applicant shall submit a written analysis establishing how the project facilitates superior site design, is the minimum necessary, is consistent with specific goals and policies within the Comprehensive Plan, and is compliant with all applicable sections of the BMC. The following list identifies examples of circumstances where increased setbacks may be found to be appropriate:
  - (i) When the site includes more than one (1) street frontage;

- (ii) To accommodate existing topography, utilities, or other physical site constraints that make compliance with the setback infeasible;
  - (iii) To accommodate phasing of infill development;
- (iv) On sites that are significantly developed with existing legally established nonconforming uses or structures whereby strict code compliance will not facilitate effective circulation; or
- (v) For projects that in the opinion of the Director provide enhanced public amenities within the setback area which include, but are not limited to, the following: public plazas, increased landscaping, architectural features, improved pedestrian connections.
- (2) Minimum side yard setback: zero (0) except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).
- (3) Minimum rear yard setback: zero (0), except when adjacent to the low or medium density residential zones (R-10 and R-10M) where a ten (10) to twenty (20) foot visual screen is required pursuant to BMC 20.50.050(b).
- (4) Maximum residential density: thirty (30) units per acre No residential density requirements; provided, that:
- (i) Site design provides for internal circulation connections for both pedestrians and vehicles between all portions of the site;
- (ii) Landscaping and/or screening adjacent to residential zones shall be provided per BMC 20.50.040(c).
- (5) Maximum building coverage: fifty (50) percent unless increased per subsection (b) of this section. In no case shall maximum lot coverage exceed seventy-five (75) percent.
- (6) Maximum development coverage is seventy-five (75) percent unless increased per subsection (b) of this section. In no case shall maximum lot coverage exceed ninety-five (95) percent.
- (7) Maximum height: forty-five (45) feet, except that structures within one hundred (100) feet of the low or medium density residential zones (R-10 and R-10M) shall not exceed thirty-five (35) feet in height.
- (8) Maximum building heights within the downtown regional center are pursuant to the Downtown Subarea Plan and shall supersede subsection (a)(7) of this section.
- (b) A development that provides the following may have its maximum development and lot coverage increased by adding bonus percentages to the maximum base area percentage, provided the total does not exceed the maximum allowed above:
  - (1) Commercial/residential mixed use development: twenty (20) percent bonus;
- (2) Development containing seventy-five (75) percent of the building footprint with three (3) and four (4) story buildings: ten (10) percent bonus;
- (3) Ten (10) percent bonus if a sidewalk ten (10) feet in width or greater is installed extending to the front of the building and continuing along the entire arterial frontage of the parcel;
- (4) Pedestrian through-corridor that provides pedestrian access to a location approved by the Director: five (5) percent bonus;
- (5) Fifty (50) percent of off-street parking is provided underground or within a building designed for occupancy: twenty (20) percent bonus.

SECTION 16. The City of Bremerton Zoning Maps #1, #2, #3, and #4 adopted by Ordinance 5301 located within Title 20 of the Bremerton Municipal Code, are hereby amended as set forth in Exhibit A. The amendments are described as follows:

- Zoning Map #1 and #2: Amend the map to change the abbreviated name for Medium Density Residential;
- Zoning Map #1: Amend the map related to the rezone of 3027 Olympus Drive; and
- Zoning Maps #3 and #4: Amend the map related to the rezone of the area adjacent to Kitsap Way and Highway 3.

**SECTION 17.** Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

<u>SECTION 18.</u> <u>Effective Date</u>. This Ordinance shall take effect and be in force ten (10) days from and after its passage, approval, and publication as provided by law.

PASSED by the City Council the day	of Becember, 2018.	
	ERIC YOUNGER, Council President	
Approved this 14 day of December, 2018.		
	GREG WHEELER, Mayor	
ATTEST:	APPROVED AS TO FORM:	
ANGELA WOODS, City Clerk	ROGER A. LUBOVICH, City Attorney	
PUBLISHED the 1th day of December December 215+ day of December 215+ day		

R:\Legal\Legal\Ordinances\Community Development\2018 Zoning Code Amendments - Final.docx

# Ordinance 5364: Exhibit A Updated Zoning Maps #1, #2, #3, and #4

Attached are all the Zoning Code Maps which will be updated for the 2018 Comprehensive Plan Amendment Docket







